

Application No. 10/562,348
Atty. Doc. No. 2003P07111WOUS

REMARKS

Claims 13-21, 24-26, and 28-31 are pending. Claim 13 is rejected under 35 USC 112. Claims 13-18, 24-26, and 28 are rejected under 35 USC 103(a) as being unpatentable over US publication 2004/0204076 (Kotzin) in view of US 7,176,849 (Mooney et al). Claim 30 is rejected under 35 USC 103(a) as being unpatentable over Kotzin in view of Mooney and US 7,177,287 (Herring et al). Claim 29 is rejected under 35 USC 103(a) as being unpatentable over Kotzin in view of Mooney and US 7,343,156 B2 (Alberti). Claim 31 is rejected under 35 USC 103(a) as being unpatentable over Kotzin in view of Mooney and US 6,968,178 B2 (Pradhan). Claims 19 and 21 are rejected under 35 USC 103(a) as being unpatentable over Kotzin in view of Pradhan and Mooney. Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Kotzin, Pradhan, Mooney, Herring, and Alberti. Claim 27 is rejected under 35 USC 103(a) as being unpatentable over Kotzin, Pradhan, Mooney, and Wilcock.

Claim 13 is amended herein. No new matter is added. Claims 13-21, 24-26, and 28-31 are presented for examination. Applicant's paragraph numbers mentioned herein are relative to the substitute specification.

Response to rejections under 35 USC 112

1) Examiner considers Applicant's disclosure enabling for a display of information about a plurality of external gateways, but not enabling for simultaneous display of this information. However, simultaneous display of a plurality of information was well known at the time of the invention, including display of multiple icons for user selection on laptops and personal digital assistants. Applicant describes memory means for storing connection data records for a plurality of connections. Displaying this information simultaneously was well within the capability of those skilled in the arts of PDA and mobile phone design at the time of the invention.

[0014]: *"Of particular advantage to users is a configuration in which the terminal or the agent includes an address-book memory assigned to the selection means, for storing connection-data records of a plurality of predetermined connections which can be established with the external gateway or external gateways and optionally an internal gateway. Similarly useful is a further upgrade to a PDA functionality, like that already found today in high-quality mobile radiocommunication terminals."*

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2) Although the specification does not use the term "simultaneously", it nevertheless describes a simultaneous display of information about a plurality of gateways. Note the plural "identifications" below.

[0021], lines 1-2: *"The agent visualizes the identifications of the locally available gateways and the possible forms of communication associated with them and supported by it."*

[0034]: *"A typical sequence in the use of this system by the user assumed here (father of the family) is approximately as follows: he is at home in the attic and sees on the display of his agent 3 a that he can accept calls and conduct outgoing calls via the analog fixed-network PSTN and via the gateway 23 a of his company car 21 a which is standing in front of the house. He sees that both his wife's car and her agent are not displayed, that she has therefore left the house in her car. He presses the symbol for his older son's agent, who then answers and informs him that his assumption is correct and asks him down for breakfast."*

[0035]: *"Later, he drives to work. As he comes to a halt in front of the company office, his agent 3 a displays again the gateway 23 a of his company car and of his workplace telephone 11..."*

To overcome the 35 USC 112 rejection, the term "simultaneously" is removed from claim 13 in the present amendment without prejudice to interpreting a simultaneous display in the claims based on the specification as argued above.

Response to rejections under 35 USC 103

3) Examiner holds on pg. 4, par. 2 that Kotzin teaches displaying information about a plurality of external gateways based on a plurality of determinations of device availability displayed at a single step 417 of FIG 4. However, box 409 of FIG 4 indicates *"determine whether external device is available"*, where "device" is singular. Step 413 does not return to step 407 to search for additional devices if the device is available, so this flow chart cannot find more than one available device.

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See especially the following element of Applicant's claim 17:

"wherein information about important ones of the external gateways within range of the local-area transceiver that have authorized the terminal to establish the connection is displayed for selection."

This cannot be done by Kotzin, because when any compatible device found in box 409 of FIG 4 the flowchart drops down to the display step 417. So the user must approve or disapprove each offered device in sequence, rather than selecting one from among a plurality of available gateways displayed.

Applicant's [0021], lines 1-2: *"The agent visualizes the identifications of the locally available gateways and the possible forms of communication associated with them and supported by it."*

A compatible device found by Kotzin may not provide any gateway. The search for a compatible device is satisfied by one with a user interface -- i.e. a device that serves as an external monitor and keyboard for the subscriber device 103. A better user interface is the main purpose of Kotzin (title, abstract, claims, and throughout).

4) Examiner concedes on pg. 4, par. 4 that Kotzin does not indicate by absence of displayed information that a particular gateway is not within range. He cites Mooney as filling this deficiency. However, the term "gateway" is not found in Mooney, who describes two communication devices: a) an electronic wireless badge 100; and b) a network security station 150. Neither of these is ever described as a gateway. The "network" described in Mooney is a wireless piconet such as Bluetooth, between the electronic badge and the security station.

5) The security station 150 has a database of authorized users to identify an authorization code transmitted by an electronic badge. The security station is not described as having a gateway or communication with any other facility.

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Mooney col. 4, lines 8-10: *"The network security station 150 includes a piconet front end 254, an information exchange module 252, a user code database 256, and a badge display information database 258."*

Mooney col. 6, lines 61-65: *"In accordance with the principles of the present invention, a same electronic wireless badge 100 can be used at multiple facilities, each without knowledge or interaction with the other."*

6) Regarding claim 19, Kotzin and Mooney have the deficiencies argued above. Plural connections as claimed are not taught by Pradhan, who merely transmits a selection of advertisements over a wireless link to another terminal. This does not address the deficiencies of Kotzin and Mooney.

7) As argued above, the cited combinations do not teach the above features recited in the independent claims 13, 19, and 28, so the 35 USC 103 rejections are not supported for any of the independent claims.

8) Regarding claim 20, Kotzin clearly teaches away from a gateway that excludes an input device. The purpose of Kotzin is to provide an enhanced user interface to the portable subscriber device (title, abstract, claims, and throughout). An external gateway without an input device would completely defeat the stated purpose of Kotzin.

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Conclusion

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.

As argued above, the proposed combinations do not produce the invention as claimed in the independent claims herein. In addition, Kotzin teaches away from any combination that could produce claim 20. Thus the proposed combinations do not support the obviousness rejections of the claimed invention. Applicants feel this application is in condition for allowance, which is respectfully requested.

The undersigned attorney represents under 37 CFR 1.34 that he is duly authorized to file this paper.

Respectfully submitted,

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